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December 10, 2015

Lya Theodoratos
Brownfields Project Officer
USEPA, Region 2
290 Broadway, 18th Floor
New York, NY 10007

**RE: Niagara County, New York Legal Authority to Manage a Brownfields
Revolving Loan Fund Program**

Dear Ms. Theodoratos,

Please be advised that in accordance with the general provisions of the County and General Municipal Law of the State of New York, Niagara County has the power to enter into contract and to accept grant funds. Article 9, §2 of the New York State Constitution specifically provides for counties to "incur obligations" and to own property including personal property involving grant funds. Article 5-a of the General Municipal Law of the State of New York further details that the county, being a municipal corporation, can enter into contracts regarding the performance of work activities and projects, including environmental projects.

Further, by virtue of the provisions of Article 5-a of the General Municipal Law, Niagara County has the legal authority to perform the actions necessary to manage environmental cleanups as well as to act as lead agency to perform responsive actions for environmental cleanups. The County has the legal authority to access and secure sites in the event of an emergency or default of a loan or nonperformance under a subgrant.

In June 2008, Niagara County, New York passed a County Legislative Resolution to create a brownfield specific development corporation, the Niagara County Brownfield Development Corporation (NCBDC) to implement a \$1 million Brownfields Cleanup Revolving Loan Fund (BCRLF) grant from the United States Environmental Protection

Agency (EPA). In October 2008, the NCBDC was created as a 501(c) (3) not-for-profit local development corporation pursuant to §1411 of the Not-For-Profit-Corporation Law of the State of New York.

The Corporation was formed for the purposes set forth in §1411(a) of the Not-For-Profit Corporation Law. The Corporation was formed and operates as an entity described in §501(c) (3) of the Internal Revenue Code of 1986, as amended, to lessen the burdens of government and to act in the public interest. In accordance with the Certificate of Incorporation, the NCBDC was formed exclusively for the purposes of operating the Niagara County BCRLF Program to assist eligible entities in remediating brownfield sites throughout Niagara County. The NCBDC has the authority to engage the services of one or more underwriters, placement agents, consultants, attorneys, financial advisors and other persons whose services shall be necessary or desirable in connection with the operation of the BCRLF. The NCBDC will be utilized as the Fund Manager for the requested grant funds.

I hope this letter is sufficient to EPA that Niagara County has the legal authority to make application, manage funds, serve as lead agency, and implement the requested Brownfields Cleanup Revolving Loan Fund grant.

Sincerely,



R. Thomas Burgasser